

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALICIA HOPPER,

Plaintiff,

- against -

BANANA REPUBLIC, LLC,
BANANA REPUBLIC, INC., and
THE GAP, INC.,

Defendants.
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: **07-CIV-8526 (WHP)(THK)**

: **NOTICE OF MOTION TO**
: **DISMISS THE COMPLAINT,**
: **OR IN THE ALTERNATIVE**
: **FOR SUMMARY JUDGMENT**
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PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 12(b)(6), and upon (1) the attached Declaration of Jeremi L. Chylinski, together with Exhibit A thereto; (2) Defendants' Memorandum of Law In Support Of Their Motion to Dismiss Plaintiff's Complaint, Or In The Alternative For Summary Judgment, together with Exhibit A thereto; and (3) Defendants' Statement Of Material Facts Pursuant To Local Civil Rule 56.1, Defendants Banana Republic, LLC, Banana Republic, Inc., and The Gap, Inc. (collectively, "The Gap") hereby move for an Order (i) dismissing Plaintiff's Complaint in its entirety pursuant or in the alternative granting summary judgment; and (ii) granting such other and further relief as this Court may deem just and proper.

As per the Scheduling Order that was So Ordered by The Honorable William H. Pauley, III on November 9, 2007, Plaintiff shall serve and file her opposition to this motion on December 21, 2007, The Gap shall serve and file a reply by January 4, 2008, and oral argument shall take place on January 25, 2008.

Dated: November 30, 2007
New York, New York

Respectfully submitted,

SEYFARTH SHAW LLP

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